

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-9, 11 and 12 are pending in the present application; Claims 1 and 3-6 having been amended, and Claim 10 having been canceled by way of the present amendment.

In the outstanding Office Action, Claims 5 and 6 were objected to, Claims 9 and 10 were rejected under 35 U.S.C. §112, first paragraph, Claim 1 was rejected on the grounds of nonstatutory obviousness-type double patenting over Claim 1 of U.S.P. 6,985,312, Claims 1 and 9 were rejected under 35 U.S.C. §102(b) as being anticipated by Anzai, Claims 2-4 and 11 were rejected under 35 U.S.C. §103 as being unpatentable over Anzai in view of Tachibe et al., Claims 5-8 were rejected under 35 U.S.C. §103 as being unpatentable over Anzai in view of Itabashi and Lam, Claim 12 was rejected under 35 U.S.C. §103 as being unpatentable over Anzai in view of Tachibe et al. and Rivman et al., and the subject matter of Claim 10 was objected to.

Claims 5 and 6 were objected to because of the omission of the word “percent.” In response to this objection, the word “percent” has been added to both Claims 5 and 6. Accordingly, the objection to Claims 5 and 6 is respectfully requested to be withdrawn.

Claims 9 and 10 stand rejected under 35 U.S.C. §112, first paragraph. This rejection is respectfully traversed.

With respect to Claim 9, the outstanding Office Action correctly recites a limitation recited in Claim 9. However, the Office Action does not say what is wrong with this limitation. The Examiner indicates that he will interpret this limitation using the words which define the limitation, which is correct. Thus, it is unclear why Claim 9 is rejected and the rejection of Claim 9 under 35 U.S.C. §112, first paragraph is respectfully requested to be

withdrawn. An effect of the structure of the invention of Claim 9 is that when a member around the fixing member vibrates, the fixing member can suppress the vibration of the lens. Thus, the fixing member defined in Claim 9 can help the image forming apparatus stably generate high-quality images.

With respect to Claim 10, this claim has been canceled.

Accordingly, the rejection of Claims 9 and 10 under 35 U.S.C. §112, first paragraph is respectfully requested to be withdrawn.

Claim 1 was rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claim 1 of U.S.P. 6,985,312. In response to this rejection, included herewith is a Terminal Disclaimer which obviates the rejection. Accordingly, the obviousness-type double patenting rejection is respectfully requested to be withdrawn.

The filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. The "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). Accordingly, Applicants' filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

Claims 1 and 9 stand rejected under 35 U.S.C. §102(b) as being anticipated by Anzai. This rejection is respectfully traversed.

Claim 1 has been amended to include further features of the invention. Specifically, Claim 1 has been amended to include the following additional features:

the fixing member transmits ultraviolet ray therethrough,  
ultraviolet cure adhesive is applied between surfaces of the condensing lens and the fixing member,  
ultraviolet cure adhesive is applied between the surfaces of the fixing member and the housing, and  
the condensing lens, the fixing member and the housing are fixed at a same time by irradiating ultraviolet rays in such a way the ultraviolet rays transmit through the condensing lens, the ultraviolet cure adhesive and the fixing member.

According to Anzai, the attachment member is integral to the base-plate. On the other hand, in the present invention defined by Claim 1, the fixing member corresponding to the attachment of Anzai is not made integral to the base-plate. Therefore, the configuration of the present invention defined in amended Claim 1 is different from Anzai, and the rejection under 35 U.S.C. § 102 is respectfully requested to be withdrawn.

Consequently, in light of the above discussion and in view of the present amendment, the present application is in condition for formal allowance and an early and favorable action to that effect is requested.

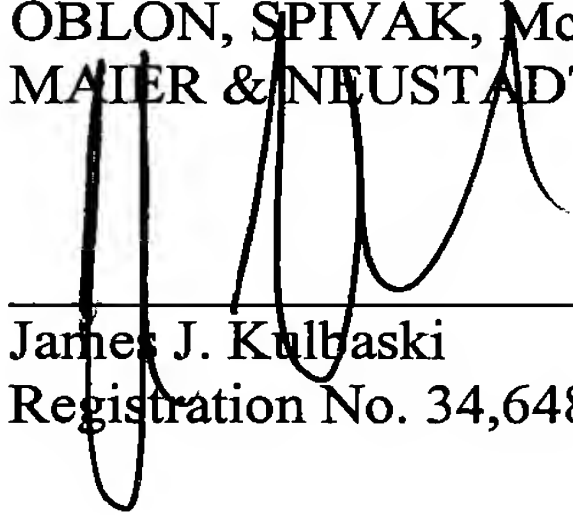
Respectfully submitted,

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